

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05CV10216-JLT

CARLOS PINEDA, ET AL.
Plaintiffs

v.

DANIEL KEELER, ET AL.
Defendants

DEFENDANTS JOSEPH P. TOOMEY AND JOSEPH R. WATTS'
MOTION FOR SUMMARY JUDGMENT

Defendants Joseph P. Toomey ("Sgt. Toomey") and Joseph R. Watts ("Sgt. Watts") hereby move for summary judgment because, as a matter of law, discovery produced no facts to support actionable claims against them.

As grounds for said motion, Defendants contend that the summary judgment record establishes the following: (1) they did not conduct, order, or otherwise participate in Plaintiff Carlos Pineda's arrest; (2) in any event, ample probable cause supported Pineda's arrest; (3) they are entitled to qualified immunity on Plaintiffs' claims; (4) no unreasonable search occurred because Plaintiff Alexandra Perez gave consent to search their apartment; (5) the warrantless entry of Plaintiffs' apartment was also permissible under the "hot pursuit" and exigent circumstances doctrines; (6) the protective sweep was constitutionally proper given the flight and search of armed murder suspects; (7) no

viable supervisory liability claim exists; and (8) Plaintiffs' claims under the Massachusetts Civil Rights Act fail as a matter of law.

In further support of said motion, Defendants submit the attached memorandum of law and other supporting materials.

DEFENDANTS REQUEST ORAL ARGUMENT FOR THIS MOTION

Respectfully submitted,

DEFENDANTS, JOSEPH P. TOOMEY,
and JOSPEH WATTS

William F. Sinnott
Corporation Counsel

By their attorneys:

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and served on all parties on on June 18, 2007.

/s/ Thomas Donohue
Thomas Donohue